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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 547th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 May 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Chad (CRC/C/3/Add.50; HRI/CORE/1/Add.88; CRC/C/Q/CHA/1; CRC/C/A/CHAD/1) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Chad resumed their places at the Committee table.

2. The CHAIRPERSON invited the Chadian delegation to answer the questions on civil rights and freedoms which had been raised the previous afternoon.

3. Mr. LIMANE (Chad) said that many changes had occurred in his country since the drafting of the report in 1996 and that legislation was evolving every year, as the Government strove to achieve full implementation of the Convention. For that reason, much of the information in the report was out of date. He accepted the recommendation that the National Coordination and Supervision Committee should include a representative of the Ministry of Finance among its members. His country would likewise endeavour to follow the recommendation that a holistic approach to implementation be adopted. He had noted the concern expressed about cultural attitudes which conflicted with the Convention and assured the Committee that his Government would seek to ensure that the provisions of the Convention took precedence over domestic and customary law. The Constitution already reflected the realization that some cultural habits had to be abandoned for the sake of the full observance of universal human rights.

4. The rationale behind his country's refusal to accept a child's evidence in court was that children were often not mature enough to testify without the assistance of an adult. Nevertheless, national legislation would be amended to bring it into line with the Convention, if the Committee considered it necessary. He pointed out that children's statements could in fact be brought to a judge's attention through the Child Protection Office in the Ministry of Justice.

5. If a young person could not afford medical counselling, he or she could apply to the local social services which dispensed free health care, as well as psychological counselling. In that connection, he drew the Committee's attention to the bill on the training of welfare officers. He agreed that it was not always necessary for children's complaints to be dealt with by the courts, as they could sometimes be resolved through administrative inquiries or advice from welfare officers. The Child Protection Office was examining ways of strengthening the system, but it was clear that a shortage of staff would make some goals unattainable.

6. Active teaching methods had been adopted under the framework law on education so that children's opinions could be taken into account in schools. An extensive programme of in-service training in those methods was being provided through workshops and seminars for teachers.

7. No barriers to intercommunal marriage existed under national or customary law. The introduction of a Civil Code applying to all citizens was designed to eliminate any pockets of discrimination, although such marriages might still be rejected for personal reasons.

8. The existing method of recovering maintenance, whereby a woman had to apply to the court for attachment of the man's wages, did not facilitate rapid recovery, and he therefore asked the Committee to suggest a better method.

9. With reference to the protection of children, his Government thought that the investigation carried out by the social services normally provided a clear indication of which parent should be granted custody. If neither parent was able to look after the child, the court could appoint a third person as guardian, without prejudice to the parents' rights in respect of their child.

10. On the question of case files relating to the rebellion in 1993 and 1994, he said that the courts had already sentenced some people who had engaged in reprehensible behaviour towards young people, and investigations were still continuing. He pointed out that some excesses were bound to occur in a situation of armed insurrection. The Government deplored the instances of rape and conscription of children. Following the restoration of peace in the country, steps had been taken to secure the discharge of all young people under 18 from the army. However, unless victims of brutality were courageous enough to come forward and denounce those guilty of such acts, it was impossible to initiate court action. His Government was endeavouring to inculcate respect for all human rights, including children's rights, in the armed forces.

11. The censorship commission managed to censor films viewed in public, but it was very difficult to prevent the filming and showing of private videos which were violent or pornographic. The Government intended to take firm action to curb the distribution of such cassettes which were being produced in growing numbers, as they were a money-spinner for people in desperate need of income. While videos were a form of entertainment for young people in areas where few alternative recreational facilities existed, rigorous controls on the content of films were essential.

12. Knowledge of the Convention was usually disseminated in rural areas through traditional channels, especially by rural radio stations which broadcast in several national languages. One regional station had produced a series on citizens' rights and duties, aimed at encouraging listeners to spurn the ingrained culture of violence in Chad. Rural radio received crucial support from the United Nations Children's Fund (UNICEF) which made a decisive contribution to the promotion of the rights of women and children.

13. Teenage mothers and illegitimate children were traditionally marginalized by society, but several programmes had been set up to combat such discrimination and to provide financial, psychological and medical support for the persons concerned.

14. While it was true that corporal punishment might occur in some families, where it was regarded as part of the socialization process, in schools it was prohibited. A bill to ban the widespread use of corporal punishment in

Koranic schools was to be tabled in the near future. There were no reports of corporal punishment in detention, apart from cases in which prisoners had chastised other prisoners. Police officers who violated the rights of persons in their custody were liable to disciplinary punishment.

15. Failure to register births within the statutory time-limits was mostly due to the high rate of illiteracy in Chad. Particular difficulties were experienced by the authorities when it came to entering nomads on the electoral roll or registering the birth of their children. His delegation would welcome any recommendations on that subject.

16. With regard to bag searches in schools, he explained that the country was still awash with weapons after the armed rebellion and children sometimes stole weapons from their parents to settle scores with other pupils. The Government had therefore ordered systematic searches as a preventive measure.

17. A bill to establish the age of consent to marriage at 18 for both girls and boys was being drafted. Marriages were frequently consummated at the age of 13 or 14, a practice strongly opposed by the Government, which was planning a campaign to change parental attitudes in that regard.

18. The entire country was now under government control, which meant that unsafe areas and massive violations of human rights were a thing of the past.

19. Chad was in the process of ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Chadian children were often placed with the families of relatives, but were usually taken back by their parents if they were subjected to abuse. The Child Protection Office worked systematically to combat all violations of children's rights; when NGOs or neighbours brought complaints of abuse to the attention of the authorities, energetic measures were always taken. In addition, the Government had introduced draft legislation designed to combat violence against children.

20. Unfortunately, not all Chadians were aware of their legal right to bring court action for discrimination against them. That problem was closely related to illiteracy, which the Government was committed to combating.

21. Children born out of wedlock were usually registered by the mother, in her own name, in order to comply with legally prescribed time-limits and because paternity suits took time to resolve: many fathers refused to recognize their offspring. The child's name could later be changed by a court decision.

22. Foreign spouses of Chadian citizens were encouraged to apply for Chadian citizenship immediately upon marriage. Even if a foreign spouse retained his or her nationality, any children of the union could opt for Chadian citizenship when they reached the age of majority. That entitlement was the same for persons of both sexes. What was essential, in the Government's view, was to preserve the child's right to choose the nationality of a non-Chadian parent. Furthermore, dual nationality was permitted: many Chadians were citizens of both Chad and France, to cite the most typical example.

23. The Department of Social Affairs, in cooperation with various agencies, and with mostly international funding, provided family assistance and orientation courses for parents. The question of what judicial measures had been taken to prevent the cruel and inhuman treatment of children had been answered at length in the written replies to the list of issues.

24. The Government would welcome assistance from the Committee in devising measures to protect children placed with families of relatives from abuse. It was difficult to combat such problems in Africa, where family ties were considered paramount. Often, a brother, cousin or uncle was deemed to have rights over a fatherless child. Wives sometimes resented the presence in their homes of a relative's child, a problem which could have violent consequences. When neighbours or social organizations lodged complaints which were later corroborated by the victim's testimony, it was sometimes possible to have a child removed from a family.

25. Since incest and sexual abuse within the family were taboo subjects, it was extremely difficult to demonstrate that they had occurred. If a pregnancy resulted, the authorities were obliged to take action against the perpetrator. That could only be done, however, if the child was willing to discuss what had happened. Again, the Government of Chad would welcome any advice as to how better to cope with that problem.

26. The Government of Chad viewed ratification of the Convention as a first step in the process of improving citizen awareness of children's rights in particular and human rights in general. He hoped that his delegation's dialogue with the Committee, and the recommendations resulting from that process, would help Chad to achieve full implementation of the rights enshrined in the Convention.

27. Mrs. MOTOGAM (Chad) said that, as a member of the Association of Female Jurists, she had conducted a survey regarding violence against women and children in N'Djaména, and had discovered that, since victims were unwilling to speak, no reliable data could be collected. Hospital records had shown, however, that some girls had admitted to having been impregnated, and in some cases raped, by their fathers or guardians. The Government planned to conduct a nationwide study on that subject.

28. The Association had launched a campaign to increase public awareness of the principles of the Convention on the Elimination of All Forms of Discrimination against Women, and to alert women to the systematic violation of their property and inheritance rights in particular. At the urging of the Association, a draft law on women's rights had been elaborated, which covered such subjects as early and forced marriages, incest, and female genital mutilation, all of which were widespread practices in Chad.

29. Well before Chad had ratified the Convention, the Penal Code had contained provisions regarding the neglect and abandonment of children, but those issues had seldom been brought to the attention of the courts. Intervention by the social welfare agencies sometimes resulted in complaints being lodged with the public prosecutor. If the situation persisted, the

mother was summoned, informed of her obligation to care for her children, and assisted in instituting legal proceedings against the father for the payment of maintenance.

30. The Government was concerned about the non-registration of Chadian children. The law provided that urban children must be registered within two months, and rural children, including nomads, within six months. Parents often considered it unnecessary to register their children, and then found that they needed to do so in order to enrol them in school. The Urban Programme for Children in Especially Difficult Circumstances was conducting a birth registration awareness campaign under the auspices of the Ministries of Justice and Social Affairs, which was funded by UNICEF. Furthermore, the Government provided free birth certificates to parents.

31. The CHAIRPERSON invited the members of the Committee to make further comments on the sections of the list of issues already discussed, and to raise additional questions regarding basic health and welfare.

32. Mrs. OUEDRAOGO recommended that the Government consider disseminating information about birth registration to nomadic populations by rural radio. It also might consider urging them to register in the community nearest their settlement.

33. The written replies indicated that the Government had undertaken a campaign against unhealthy traditional practices. She recommended that it should also consider taking stronger measures, such as encouraging "exciseuses" (women practitioners of female genital mutilation) to take up other vocations. What measures had been taken to combat nutritional taboos and the practice of ablating the uvula? What was the rationale of such traditional practices?

34. The report also indicated that a child was given a number when his or her birth was registered. What purpose did that number serve, and what was the status of a child without a number? The reporting State should indicate whether national laws protecting the right of assembly and the right of association also applied to children. It seemed that Chadian fathers viewed themselves as having sole responsibility for the upbringing of their children: what was the mother's role?

35. The report also stated that the Government provided assistance to destitute families; given the economic realities, was the Government able genuinely to provide the necessary help?

36. The Chadian Constitution guaranteed the freedom of movement of all citizens. In view of the frequent cases of child abduction, it would be useful to know whether movements of children into and out of Chad were regulated by any formal procedures. The report indicated that foreigners could be expelled from Chad: how did such a step affect the reunification of families, and what was the status of a child whose parent was expelled?

37. Had the Government established standards and monitoring procedures for private institutions caring for children deprived of a family environment? She noted from the report that the Government was planning to set up

orphanages and day-care centres. What progress had been made in that regard? Finally, she asked whether the planned children's shelter ("centre de sauvegarde") would house girls as well as boys.

38. Mrs. KARP said that some countries had tackled the problem of birth registration by employing mobile units. In addition, persons of high standing in nomadic communities were often enlisted to keep records. The Chadian authorities could perhaps consider applying similar methods. Regarding evidence provided by children in court, it was not enough simply to amend legislation, although such a step would nevertheless be a symbolic gesture reflecting greater trust in what children had to say. Some countries had established a minimum age below which specially trained judges were obliged to interview children before the judicial process got under way. Perhaps the Chadian judiciary could follow suit.

39. The Committee would appreciate learning whether a sufficient number of staff in the Chadian social services were properly trained in psychological counselling. Furthermore, it was unclear whether such counselling was readily accessible to children or whether they were even aware of its existence. On the topic of forced and early marriages, the State party should clarify whether persons who arranged such unions were liable to prosecution. Regarding police brutality, the Committee had been informed that between 1993 and 1995, a number of children had been tortured and raped by members of the security forces. Had an investigation been launched into those allegations, and had the perpetrators been prosecuted? Legislation against police brutality was all very well, but without adequate enforcement the law was toothless. The Committee had also been informed that some of the brutality in detention centres had allegedly been committed by other prisoners; the reporting State should comment on those claims, bearing in mind that ultimate responsibility for persons in custody lay with the authorities.

40. Children should be encouraged to file complaints, which was why the Committee usually insisted on the establishment of an independent complaints body with the expertise to assist children at every stage of the judicial process. The lack of such institutions in Chad had been noted. On the other hand, it was encouraging to note that future legislation would outlaw corporal punishment in schools, but it was unclear whether similar legislation would be enacted in respect of care and welfare institutions. The Government should indicate whether it had launched a publicity campaign in respect of violence in the home. Although the Committee was aware of the difficulty of extracting information on the subject of incest, it was nonetheless important that the Ministry of Justice should continue to support young children in lodging and following up complaints of that nature. Many countries had instituted special investigative mechanisms to look into such cases and had developed a wealth of techniques to deal with the problem. The importance of properly trained personnel could not be overemphasized.

41. She asked whether there were any shelters for battered women in Chad, and whether there existed any immediate protection measures to combat family violence. Without properly funded institutions and projects, such measures would remain ineffective.

42. Finally, the State party should indicate whether it had any plans to accede to international conventions relating to child abduction, and whether it intended to prohibit the sale or possession of child pornography and access to services which exploited children sexually.

43. Mr. FULCI said that, according to international estimates, 132 out of every 1,000 Chadian children died before reaching their first birthday. A further 250 out of every 1,000 died before the age of 5. That shocking figure was largely attributable to the inadequacy of immunization against early childhood diseases. Only 19 per cent of children under the age of 5 had been immunized. In addition, 5 million women of childbearing age and 1 million children in the region as a whole had been infected with the AIDS virus. The delegation should provide updated information on its health-care programmes, the infant mortality rate, and the situation with regard to AIDS infection. Specifically, the Committee would like to know whether a campaign had been launched to make women aware of the benefits of oral rehydration therapy. Finally, on an unrelated issue, the State party should indicate whether it had given any thought to supporting the proposed amendment to the Convention that would increase the membership of the Committee.

44. Mrs. EL GUINDI said that Chad's maternal mortality rate was one of the highest in the world. The Committee would appreciate updated information on what the Chadian Government was planning to do about the problem, and also about the problems of adolescent health, early pregnancy and female genital mutilation.

45. Mrs. MOKHUANE asked whether there was mandatory reporting in rape cases. More information should be supplied on the handling of trauma resulting from abuse or female genital mutilation. The Committee would be grateful for supplementary information on whether health care services in Chad were fully utilized or under-utilized, and on the pattern of attendance at health centres. It would be interesting to hear more about Government policies to address environmental health issues and the subject of self-medication. For example, was self-prescription of drugs possible and, if so, how was it monitored? Further data were required on nutrition and the national infrastructure for emergency health care. Had the State party considered reviewing its policy on abortion? The doctor/patient and midwife/patient ratios should be indicated, and the Committee would welcome comments on the role of traditional birth attendants, particularly with regard to the frequency of their use and the nature of their training. Finally, the reporting State should indicate whether adolescents were encouraged to participate actively in Government programmes specifically targeted at them. What did Chadian adolescents have to say about topics such as contraception and AIDS?

46. Mrs. SARDENBERG said that the Committee would be grateful for more details on local community involvement in disseminating the Convention. The Chadian authorities might wish to explore more creative means of disseminating the principles enshrined in the Convention, for example by using the country's rich cultural heritage as a propaganda vehicle. More details should be provided about the role of traditional medicine in Chad. The resources allocated to the health sector had increased; it would be useful to learn how

those additional funds had been spent. Regarding education, the delegation should comment on reports that girls were frequently abused by schoolteachers in exchange for better grades. Budgetary resources for education had also increased, and the State party should explain how the extra money was being spent. In particular, it would be interesting to know whether the Government had any plans to decentralize the education sector. Further comments would be welcome on the role and extent of international assistance in the field of education.

47. On the subject of corporal punishment, female genital mutilation, and sexual abuse in general, the Chadian authorities should consider seeking the assistance of various non-governmental organizations which could provide advice and guidance on specific programmes and projects.

The meeting was suspended at noon and resumed at 12.15 p.m.

48. Mr. LIMANE (Chad) said that his authorities would seek to incorporate the Committee's suggestions into its policy on registering nomads. In rural areas where traditional beliefs still prevailed, removal of a child's uvula was held to be a remedy for vomiting. The Government had endeavoured to combat the practice through awareness-raising campaigns and the promotion of modern medicines, but it was deeply rooted and the subject was generally taboo. Efforts to stamp it out would naturally continue, and the Government was counting on the support of the international community in that regard.

49. The national identity number given to every Chadian citizen was simply a number that appeared in the registry of births. If no number was assigned at birth, a person could subsequently obtain one by applying to the courts. Freedom of association was guaranteed under the Chadian Constitution. Youth associations were very numerous and young women took an active part in the activities of such groups. In some cases young women had organized female-only associations on a mutual-assistance basis.

50. The role of Chadian women in bringing up children had taken on considerably more importance in the wake of the country's armed conflicts and with the advent of new international instruments. The concept of parental rather than patriarchal authority meant that women's authority was by no means negligible and many women were heads of households.

51. Chad's economic difficulties had squeezed the resources available to help the poorest members of society and he appealed to the international community's sense of solidarity to provide assistance in that area.

52. Referring to the Committee's concern about restrictions on children's freedom of movement he explained that, from the age of 13 or 14, a passport could be obtained and travel out of the country was possible. Before that age, minors must be accompanied by adults. The problem of child abduction, previously virtually unknown in Chad, was on the rise. Regulations had been introduced to curb the phenomenon. With regard to the situation of children whose fathers had been deported, he said that the punishment was individual, not collective, which meant that a whole family would not be deported with the father.

53. Private institutions were to some extent regulated by the State. A permanent secretariat monitored NGOs to ensure that international commitments, including the rights of the child, were respected.

54. Giving children a voice in their own affairs was not only a matter of amending legislation, but involved drawing the attention of the courts to the importance of children's right to express their views. Specialized training was to be given to juvenile court judges and social workers on that subject.

55. It was widely believed that criminal proceedings should always be instituted in cases of police brutality, but that was not always the best way to administer justice. In less serious cases administrative or disciplinary measures were most appropriate. It was important to increase police awareness and to encourage police officers to refrain from the use of violence in the maintenance of law and order.

56. Minors in prison were gradually becoming less exposed to violence, partly because adults and minors were beginning to be separated - as in the new prison in N'Djaména - but also because legislation on prosecution and sentencing was resulting in fewer custodial sentences for minors. Consideration was being given to the idea of a code for children comprising a set of specific legislative measures, which would address all forms of violence against children. He was grateful to the Committee for drawing his attention to the Hague Convention on the Civil Aspects of International Child Abduction, which his Government would study with a view to ratification.

57. The office of ombudsman had been created but did not yet have comprehensive terms of reference. Legislation would be introduced shortly to enable the ombudsman to address human rights violations.

58. There had been considerable improvement in mortality indicators between 1995 and 1999. Infant mortality (age 0-1) had fallen from 132 per 1,000 to 103 per 1,000; child mortality (age 0-5) had fallen from 250 per 1,000 to 194 per 1,000; while the maternal mortality rate stood at 827 per 100,000 in 1999. Given the country's enormous economic problems, international assistance would be required to bring the rates down to an acceptable level. One thousand two hundred and forty two cases of AIDS had been reported in 1996, 2,784 in 1997 and 2,038 in 1998; for infants aged 0-11 months, there had been 210 cases in 1996, 320 in 1997 and 600 in 1998. That trend remained within reason, in view of the prevalence of the disease in the subregion. Meanwhile, the Government and the social partners were campaigning to spread awareness of the need for the use of condoms or for sexual abstinence.

59. Existing legislation made the reporting of rape mandatory but persons other than the victim herself were often reluctant to come forward. Proceedings were instituted on the basis of a report. Rape victims could be provided with a morning-after contraceptive pill.

60. Specialized care was available for women who had undergone abortions, but they were liable to severe penalties, as were abortion practitioners and anyone else involved in securing an abortion.

61. The CHAIRPERSON pointed out that the risk of prosecution must surely deter women from seeking such care.

62. Mrs. OUEDRAOGO said it was important for the Committee to be informed about the use actually made of the services available.

63. Mr. LIMANE (Chad) said that the problem of nutrition was being addressed through a programme run by the National Centre for Nutrition and Food Technology, with funding from the international community. The budget for that programme augmented every year and contributed to a continuous improvement in health and nutrition statistics. For a country like Chad, which was one of the poorest in the world, international assistance was the key to success in that area.

64. Another example of practical improvements was the use of contraception and the spread of family planning through awareness campaigns. Contraception was available free of charge to both men and women.

65. Within the framework of the Bamako Initiative on primary health care, the rural community was being encouraged to participate in the implementation of the Convention. A number of seminars and workshops had been organized for traditional chiefs in order to dispel their concerns and show them that the Convention did not run counter to their traditions.

66. Health and education budgets were beginning to be decentralized. Local authorities had a certain amount of autonomy in budgeting for education, health, social welfare and the family. Parliament was currently looking into the possibility of further decentralization.

67. The problem of sexual harassment in schools existed but was not widespread. If cases were reported, they were punished but conciliation was usually preferred to legal proceedings, since publicity brought with it the danger of reducing a girl's chances of marriage. The prevailing attitude was that a teacher should marry a girl student after such an incident.

68. International assistance was vital to Chad's human development budget. European Union aid, for instance, had helped boost the education, health and social welfare budgets by 20 per cent per year, enabling problems such as illiteracy, child health and poverty to be tackled more successfully.

The meeting rose at 1.05 p.m.